

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KEITH LONDON,
Petitioner,

v.

Case No. 12-CV-01078

**JEAN DiMOTTO, DAVID A. CLARK, JR.,
and RICHARD POULSEN,**
Respondents.

DECISION AND ORDER

On October 22, 2012, the clerk of this court received a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 from pro se petitioner Keith London. The petition provided very few details about petitioner's incarceration, but I concluded based on public records that he was challenging his October 17, 2012 conviction for medical assistance fraud under Wis. Stat. § 49.49(1)(a)1. Because petitioner is being held pursuant to a state court judgment, I informed him that he should have filed his petition under 28 U.S.C. § 2254 and gave him an opportunity to amend.

After several months of delay, petitioner has decided not to amend his petition. Instead, he argues that he should be allowed to proceed under § 2241 because he put the petition in the prison mail system on September 20, 2012 while he was still a pretrial detainee. Petitioner is correct that § 2241 governs petitions for habeas relief by pretrial detainees, but petitioner is no longer a pretrial detainee. Therefore, I can only grant him habeas relief if he meets the requirements set out in § 2254. See *Walker v. O'Brien*, 216 F.3d 626, 632–33 (7th Cir. 2000) (noting that § 2254 “specifies the conditions under which

[habeas] relief may be granted to a person in custody pursuant to the judgment of a State court”) (quoting *Felker v. Turpin*, 518 U.S. 651, 662 (1996)). Since petitioner has declined to seek relief under this statute, I will dismiss his petition. If petitioner still wishes to challenge his conviction and sentence, he can file a new petition under § 2254.

THEREFORE, IT IS ORDERED that petitioner’s motion for reconsideration (Docket #20) is **DENIED**.

IT IS FURTHER ORDERED that the petition is **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 7th day of August, 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge